

AMENDED IN SENATE AUGUST 24, 2006

AMENDED IN SENATE AUGUST 10, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN ASSEMBLY MAY 30, 2006

AMENDED IN ASSEMBLY APRIL 25, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2714

Introduced by Assembly Member Torrico

February 24, 2006

An act to add Section 12317 to the Penal Code, relating to ammunition.

LEGISLATIVE COUNSEL’S DIGEST

AB 2714, as amended, Torrico. Ammunition.

Existing law generally regulates the sale of ammunition.

This bill would provide, subject to exceptions, that no handgun ammunition may be delivered pursuant to a retail transaction by a common or contact carrier unless the purchaser personally presents bona fide evidence of his or her identity and age, as specified, to the carrier and the delivery container contains specified language. Violation of these provisions would be an offense punishable by imprisonment in a county jail for a term not to exceed 6 months, or by

a fine not to exceed \$1,000, or by both imprisonment and that fine, with increased penalties for 2nd or subsequent violations.

The bill would provide that it does not apply to handgun ammunition that is rimfire ammunition.

By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12317 is added to the Penal Code, to
2 read:

3 12317. (a) (1) Handgun ammunition may not be delivered
4 by a seller to a purchaser via a common or contract carrier
5 pursuant to a retail transaction except as provided in paragraph
6 (2).

7 (2) A seller of handgun ammunition may comply with this
8 section by ~~requiring~~ *ensuring that* a common carrier or contract
9 carrier ~~to obtain~~ *obtains* the signature of the purchaser and view
10 bona fide evidence of identity and that the purchaser is 21 years
11 of age or older before delivering handgun ammunition shipped to
12 the purchaser within this state. ~~The common carrier or contract~~
13 ~~carrier shall return~~ *seller shall ensure that the contract carrier or*
14 *common carrier returns* a copy of the signed receipt to the seller.
15 The seller shall retain the copy of the signed receipt *for three*
16 *years* as evidence of compliance with this section. The container
17 being delivered by the common or contract carrier must have the
18 following language, in at least 14-point type, conspicuously
19 placed on it, stating: "SIGNATURE AND BONA FIDE
20 EVIDENCE OF IDENTITY REQUIRED. PURCHASER MUST
21 BE AGE 21 YEARS OR OLDER FOR DELIVERY."

22 (b) ~~Any~~ *(1) Except as provided in paragraph (2), any person,*
23 *corporation, or dealer who delivers handgun ammunition in*

1 violation of this section shall be punishable by imprisonment in a
2 county jail for a term not to exceed six months, or by a fine not to
3 exceed one thousand dollars (\$1,000), or by both imprisonment
4 and that fine.

5 (2) *Common carriers and contract carriers shall not be held*
6 *liable for any violation of this section and shall not be subject to*
7 *the penalties provided for in this subdivision and subdivision (c).*

8 (c) A second or subsequent violation of this section is
9 punishable by imprisonment in a county jail not to exceed one
10 year, by a fine not to exceed two thousand dollars (\$2,000), or by
11 both imprisonment and that fine.

12 (d) (1) “Bona fide evidence of majority and identity” means a
13 document issued by a federal, state, county, or municipal
14 government, or subdivision or agency thereof, including, but not
15 limited to, a motor vehicle operator’s license, state identification
16 card, identification card issued to a member of the armed forces,
17 or other form of identification that bears the name, date of birth,
18 description, and picture of the person.

19 (2) “Handgun ammunition” means handgun ammunition as
20 defined in subdivision (a) of Section 12323.

21 (e) Subdivision (a) shall not apply to or affect the deliveries,
22 transfers, or sales of handgun ammunition to any of the
23 following:

24 (1) Authorized law enforcement representatives of cities,
25 counties, cities and counties, or state and federal governments for
26 exclusive use by those government agencies if, prior to the
27 delivery, transfer, or sale of, written authorization from the head
28 of the agency employing the purchaser or transferee, identifying
29 the employee as an individual authorized to conduct the
30 transaction, and authorizing the transaction for the exclusive use
31 of the agency employing the individual.

32 (2) Sworn peace officers, as defined in Chapter 4.5
33 (commencing with Section 830) of Title 3 of Part 2 who are
34 authorized to carry a firearm in the course and scope of their
35 duties.

36 (3) Rimfire ammunition is exempt from this section.

37 (f) Nothing in this section shall be construed to prevent a local
38 government from regulating ammunition sales in a manner that is
39 more strict than that specified herein.

1 SEC. 2. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district will be incurred because this act creates a new crime or
5 infraction, eliminates a crime or infraction, or changes the
6 penalty for a crime or infraction, within the meaning of Section
7 17556 of the Government Code, or changes the definition of a
8 crime within the meaning of Section 6 of Article XIII B of the
9 California Constitution.

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